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C O N F I D E N T I A L SECTION 01 OF 02 ISLAMABAD 003889

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TAGS: [PGOV](#) [PK](#)

SUBJECT: PAKISTAN'S SUPREME COURT KEEPS THE PRESSURE ON
MUSHARRAF

REF: A. ISLAMABAD 3818

[1](#)B. ISLAMABAD 3779

Classified By: Anne W. Patterson, Reasons 1.4 (b), (d)

[1](#)1. (C) Summary: President Musharraf's legal counsel told the Pakistan Supreme Court September 6 that Musharraf's term as President would end on November 15, but he will remain in office until a successor is chosen. The Chief Justice rejected efforts to immediately restrain Musharraf from seeking re-election or participating in electoral activities.

The Court also rejected the government's efforts to delay consideration of a petition to declare Musharraf ineligible to concurrently hold two offices. On the latter case, the court appointed a three-member plus Attorney General "friends of the court" advisory committee. The committee includes the Aitzaz Ahsan, the lawyer who successfully defended the Chief Justice and organized his country-wide rallies; a member of the Pakistan People's Party, he has been a vociferous critic of Musharraf and the proposed Musharraf-Bhutto alliance. Hearings on the first case will resume September 19 and on the second case September 17. The Chief Justice's moves ensure that he keeps the pressure on Musharraf and the Court on the front pages. End Summary.

Court Tells Pakistan Lawyers' Forum to
Allow Democratic Process to Work

[1](#)2. (U) On September 5, a seven-member bench of the Supreme Court headed by Chief Justice Iftikhar Mohammad Chaudhry rejected the request of the Pakistan Lawyers' Forum to immediately restrain Musharraf from seeking re-election and participating in political activities. In his remarks, Chief Justice Chaudhry rejected the petition's stay request and noted the importance of the upcoming general elections. "We are progressing toward a system and elections are at hand. Do you want to derail this system? If we give you a stay, what would happen to the whole system? We have to run the system," Chaudhry reportedly said. However, the court continued the case and scheduled the next hearing for September 19.

Government Counsel Tells Court Musharraf Will
Continue In Office Until Successor Appointed

[1](#)3. (U) On September 6, Chief Justice Chaudhry headed another

seven-member bench to hear the a petition contesting Musharraf's holding of dual offices. In response to a tasking, Musharraf's lead counsel, Sharifuddin Pirzada, told the Court that Musharraf's term expires November 15 and that Musharraf would continue in office until a successor is appointed. When asked to submit a statement on the President's holding of two offices, Sharifuddin asked that the Court first decide on the Lawyers' Forum Case. The Court essentially denied Sharifuddin's request when they scheduled the next hearing for September 17, two days before the next hearing of the Lawyers' Forum petition.

Court Appoints Amici Curie From Both Sides

¶4. (U) The Court also nominated three attorneys as amici curie (friends of the court) to advise them: Senator Syed Mohammed Zafar (a member of the ruling Pakistan Muslim League party), Abdul Hafeez Pirzada (former Law Minister during Zulfiqar Ali Bhutto's tenure and one of the architects of the 1973 constitution), and Aitzaz Ahsan. Ahsan is a Pakistan People's Party leader and vociferous critic of Musharraf and the proposed Musharraf-Bhutto alliance. Ahsan successfully defended the Chief Justice in his recent suspension case and organized his country-wide rallies. The court also instructed the Attorney General to be part of the advisory board.

Comment

ISLAMABAD 00003889 002 OF 002

¶5. (C) In this week's action, the Chief Justice officially played a balanced hand in considering the first group of cases pending against Musharraf. At the same time, he adeptly maintained his role as a key figure in determining Musharraf's political future and ensured that court action would remain front-page news. The inclusion of Ahsan in the "friends of the court" advisory committee guarantees continuing robust judicial challenges to the President.
PATTERSON